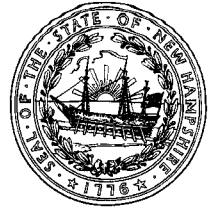




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 5, 2006

LETTER OF DEFICIENCY# WSEB 06-001
Certified Mail# 7099 3400 0003 6156 7273

John Cuchetti
J & J Northern Realty Trust
1 Carver Drive
Sandwich, MA 02563

Subject: Bartlett - Public Water System: Bea's Café North (f/k/a, The Lazy Bear) (EPA# 0168150)

Dear Mr. Cuchetti:

The records of the Department of Environmental Services (DES) show that Bea's Café North water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the NH State laboratory or a State-certified laboratory for coliform bacteria and chemical analyses in compliance with NH Administrative Rules Env-Ws 325 and 326. Pursuant to Env-Ws 351, a PWS owner is also required to perform public notice of a monitoring/reporting violation within 30 days of learning of the violation and to submit proof of public notice to DES within 10 days of performing the public notice.

DES records indicate that the subject water system failed to submit bacteria sample results during the system's assigned bacteria sampling months of August 2005 and November 2005. As a result, a Notice of Violation (NOV) was sent to you following each of the bacteria monitoring violations. Each NOV requested that a make-up bacteria sample be submitted immediately and requested that proof of public notice be sent to DES. To date, DES has not received the results of any make-up bacteria sample analyses, nor has DES received proof of public notice for either the August 2005 or November 2005 bacteria monitoring violations.

In addition, on July 21, 2005, you were sent a NOV for failure to submit a nitrate sample result. The NOV requested that a make-up nitrate sample be submitted within 30 days. To date, DES has not received the results of the requested nitrate make-up sample. As a result, public notice of the nitrate sampling violation is also required.

Pursuant to Env-Ws 360.02, DES is to be notified within 10 days whenever a change in a system's name, personnel, ownership, etc., takes place. DES learned of the change in the system's name from The Lazy Bear to Bea's Café North through third parties. Although as the property owner you are ultimately responsible for the system's compliance with drinking water regulations, you may want an on-site person to also receive correspondence from DES. Presently, you are the only contact person listed in our database for this system.

DES believes the above cited violations can be corrected and future violations prevented by taking the following actions:

1. **By January 20, 2006**, update and return the enclosed "Contact Information" page, following the instructions attached to it; and
2. **By January 20, 2006**, submit a make-up water sample for bacteria analysis to the State laboratory, or a State-certified laboratory, in accordance with Env-Ws 325; and
3. **By January 20, 2006**, submit a make-up water sample for nitrate analysis to the State laboratory, or a State-certified laboratory, in accordance with Env-Ws 326; and
4. **By January 20, 2006**, submit proof of public notice for above cited bacteria and chemical monitoring violations, in accordance with the instructions on the enclosed public notice templates.

The updated Contact Information page and the proof of public notice, as requested above, should be addressed as follows:


Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

In the event compliance is not achieved within the period set forth above, DES may initiate formal action against the Trust, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please be advised that the submission of the requested make-up bacteria and nitrate samples does not relieve the water system from submitting all required 2006 water quality samples. To assist you in meeting sampling requirements, a copy of the system's Master Sampling Schedule is enclosed.

If you have any questions regarding this letter, please contact Alan Leach at (603) 271-2854 or by email at aleach@des.state.nh.us.

Sincerely,


Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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encl: Master Sampling Schedule
Public Notice Templates
Contact Information Page

cc w/o encl: Gretchen R. Hamel, DES Legal Unit Administrator
Town of Bartlett Health Officer
EPA, Region 1